

## **Purpose**

This policy is written to inform the Department of Transportation (UDOT) employee's and customers that the Department of Transportation is an Equal Employment Opportunity employer and believes in Equal Opportunity in all UDOT programs, activities, and services.

## **Policy**

It is the intent of the Department to protect the civil rights of all employees and prospective employees. The Department or any of its employees shall not subject a person to discrimination on the grounds of race, color, religion, national origin, sex (including sexual harassment), age or disability in its personnel practices. This will include recruitment and advertising used in recruitment, hiring, firing, upgrading, ratings, promotions, demotions, transfers, layoffs, terminations, rate of pay or other forms of compensation or benefits, awards, recognitions, selection for training, use of facilities and treatment of employees. The Department of Transportation will take affirmative action to ensure that all of the personnel policies of UDOT are formulated and administered in such a manner as to avoid any form of illegal discrimination.

## **Background**

This policy and has been developed in compliance with State and federal laws, and the Department of Human Resource Management's Rules and for good business practice.

## **Definitions**

Equal Employment Opportunity (EEO): A system of employment practices (within the Department of Transportation) under which individuals are not excluded from participation, advancement or benefits because of their race, color, religion, national origin, sex, age, disability or other factor which cannot lawfully be the basis for employment actions. An employment system in which neither intentional or unintentional discrimination operates. All persons shall have equal access to positions and are limited only by their ability to meet the minimum qualifications for the position and to perform the essential functions of the job.

Affirmative Action: Specific actions in recruitment, hiring, upgrading and other areas which are designed and taken for the purpose of eliminating the present effects of past discrimination which is usually represented by an under-utilization of minorities and women in job categories.

Affirmative Action Plan (AAP): A plan that recognizes and addresses the removal of any barriers to equal employment opportunity. The AAP identifies problem areas and persons unfairly excluded or held back, and action enabling them to compete for jobs on an equal basis. It is a written document through which management strives to reach a state of equal employment opportunity for all people.

**Discrimination:** In the equal employment opportunity law, an act or acts, the effects of which are adverse to the employment opportunities of one or more individuals because of his/her or their race, color, religion, national origin, sex, age, disability or other factors which, under particular laws, may not be considered as a basis for employment actions. Unlawful discrimination may be either intentional or not. Discrimination shall refer to an alleged violation of specific civil rights legislation including the following:

**Age Discrimination in Employment Act (ADEA)**

This Act bans employment discrimination against individuals on the basis of age (40 or over) in hiring decisions or with respect to compensation, terms, conditions or privileges of employment.

**Americans with Disabilities Act (ADA)**

This Act prohibits discriminating against qualified individuals with disabilities in all aspects of employment. A person has a disability if she/he has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment and people who are regarded as having a substantially limiting impairment.

**Civil Rights Act of 1964 Title VII - Equal Employment Opportunity**

This Act prohibits discrimination in employment on the basis of race, color, religion, sex or national origin. This is the broadest of equal employment opportunity laws and covers such areas of employment as recruiting, hiring, compensation, terms, conditions, discharges, job assignments, training programs, promotions and others.

**Civil Rights Act of 1991**

This Act addresses such subjects as disparate impact, business necessity, bias after hiring, glass ceiling, challenges to seniority systems, compensatory and punitive damages, jury trials, and "race norming" of test scores.

**Equal Pay Act of 1963**

This Act prohibits employers from paying employees of one sex less than employees of the opposite sex for equal work on jobs which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. Exceptions are wage differentials based on seniority, merit pay, and piece work.